

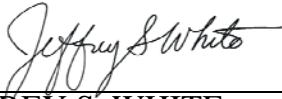
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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 BENJAMIN CHOYCE,) No. C 09-1352 JSW (PR)
9 Plaintiff,) ORDER DENYING MOTION FOR
10 v.) COUNSEL AND INSTRUCTIONS
11 CITY AND COUNTY OF SAN) TO THE CLERK
12 FRANCISCO, OFFICER MARTIN,) (Docket No. 15)
13 OFFICER PINEDA, SERGEANT)
14 HASKELL,)
15 Defendants.)
16

17 Plaintiff, previously incarcerated at the San Francisco County Jail in San
18 Francisco, California, filed this civil rights complaint under 42 U.S.C. § 1983 alleging
19 violations of his constitutional rights during his detention there. After Court orders from
20 July and September, 2009 were returned, the Court dismissed this action on October 19,
21 2009 based on Plaintiff's failure to prosecute and to comply with Northern District Local
22 Rule 3-11 by providing a change of address within 60 days indicating a current address.
23 Therefore, Plaintiff's motion seeking appointment of counsel, filed on October 20, 2009
24 (docket no. 15) is DENIED as moot. The Clerk of Court is directed to send Plaintiff a
25 copy of the Court's dismissal and judgment at Plaintiff's current address listed on his
26 most recent Court filing.

27 IT IS SO ORDERED.
28

DATED: October 30, 2009


29 JEFFREY S. WHITE
30 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BENJAMIN C. CHOYCE,

Case Number: CV09-01352 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

SF CITY & COUNTY et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 30, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Benjamin C. Choyce
#2380465
San Francisco County Jail
850 Bryant Street
San Francisco, CA 94103

Dated: October 30, 2009

Richard W. Wiking, Clerk
By: Jennifer Ottolini, Deputy Clerk